

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:04CR294
Plaintiff,)
)
v.) USM No: 13896-047
)
GLENN E. WAGNER,) David R. Stickman
Defendant.) Defendant's Attorney
Date of previous judgment: May 11, 2005)
Date of prior sentence reduction: August 13, 2008)

Order Regarding Motions for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motions of the Defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motions,

IT IS ORDERED: the unopposed motion (Filing No. 262) is GRANTED; the stipulation (Filing No. 263) is approved; the Defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 188 months, later reduced to 151 months, is reduced to 121 months; and the Defendant's pro se motion (Filing No. 258) is denied as moot.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>35</u>	Amended Offense Level:	<u>31</u>
Criminal History Category:	<u>II</u>	Criminal History Category:	<u>II</u>
Previous Guideline Range:	<u>188</u> to <u>235</u> months	Amended Guideline Range:	<u>121</u> to <u>151</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

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The reduced sentence is within the amended guideline range.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated May 11, 2005, shall remain in effect. The fine range is \$15,000-\$4,000,000.

IT IS SO ORDERED.

Dated this 20th day of December, 2011
Effective Date: December 20, 2011

s/Laurie Smith Camp
Chief United States District Judge